

## **COMMONLY ASKED QUESTIONS ABOUT THE LEGISLATIVE COUNCIL**

**Prepared by the Legislative Services Division**

**Revised May 2007**

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### ***What is the Legislative Council?***

The Legislative Council is a statutory, bipartisan, legislative committee established in 1957. Originally known as the "research arm of the legislature," the Council now serves important leadership functions within the Legislative Branch.

The Legislative Council's mission, as established by the Council itself, is to provide ongoing leadership, direction, and foresight for the efficient operation and improvement of the Legislative Branch; to establish personnel and pay policies in order to maintain professional and highly motivated employees; to educate the public about the Legislature and foster public participation in the legislative process; and to preserve the integrity of the Legislature as an equal branch of government.

### ***Who sits on the Legislative Council?***

The Council is composed of 12 members of the Legislature. Four of the members serve by virtue of their leadership positions: the President of the Senate, the Speaker of the House, and the Minority Leaders of each house. Four other Senators are appointed by the Committee on Committees, and four other Representatives are appointed by the Speaker. Appointments are made as soon as possible after organization of the Legislature is completed at the beginning of each regular session. A member who is in a leadership position and who is in the last biennium of service because of term limits may appoint a legislator who is not term-limited to serve in his or her place.

The Council members for the 2007 - 2008 interim are:

Senator Greg Barkus  
Senator Vicki Cocchiarella  
Senator Mike Cooney  
Senator Kelly Gebhardt  
Senator Dan Harrington  
Senator Corey Stapleton

Representative Debby Barrett  
Representative Bob Bergren  
Representative Margaret Campbell  
Representative Dennis Himmelberger  
Representative Dave McAlpin  
Representative Scott Sales

***What are the responsibilities of the Legislative Council?***

The Council's statutory duties are to:

- designate the time for holding the presession caucuses (5-2-201, MCA);
- allocate office space occupied by the Legislative Branch (5-2-503, MCA);
- select studies to be conducted during the interim and assign the studies to the appropriate committees (5-5-217, MCA);
- operate the Legislative Intern Program (Title 5, chapter 6, part 1, MCA);
- employ and set the salary of the Executive Director of the Legislative Services Division (5-11-105, MCA);
- adopt rules for classification and pay of Legislative Branch employees with the concurrence of the Legislative Audit and Finance Committees (5-11-105, MCA);
- adopt rules governing personnel management of Legislative Branch employees with the concurrence of the Legislative Audit and Finance Committees (5-11-105, MCA);
- adopt procedures to administer legislator claims for reimbursements authorized by law for interim activity (5-11-105, MCA);
- establish time schedules and deadlines for the interim committees of the Legislature, including dates for requesting bills and completing interim work (5-11-105, MCA);
- review proposed legislation for agencies or entities that are not assigned to an interim committee or the Environmental Quality Council (5-11-105, MCA);
- assign to an appropriate committee a question of statewide importance that arises between sessions and for which there is no legislative committee already assigned to address the question (5-11-105, MCA);
- establish a functional organization within the Legislative Services Division in order to effectively and efficiently carry out all responsibilities delegated to the Division (5-11-112, MCA);
- set fees for proceedings of the Legislature (5-11-212, MCA);
- serve as the agency of interstate, international, and intergovernmental cooperation and as the appointing authority for legislative membership for voting purposes in interstate, international, and intergovernmental entities (5-11-303 through 5-11-305, MCA);
- approve and adopt a Legislative Branch computer system plan developed by the Legislative Branch Computer System Planning Council (5-11-405, MCA);

- appoint members to policy committees of the Pacific Northwest Economic Region (5-11-707, MCA);
- assist the Legislative Services Division in providing oversight of the state governmental broadcasting structure (5-11-1111, MCA);
- provide general supervision and policy for the Code Commissioner (1-11-203, MCA);
- with the advice of the Code Commissioner, decide on the quantity, quality, style, format, and grade of all Code Commissioner publications (1-11-301, MCA);
- fix the sales price of the Montana Code Annotated and ancillary publications (1-11-301, MCA);
- appoint members to serve on the Montana Commission on Uniform State Laws (1-12-101, MCA);
- adopt adequate rules for the use of any information technology resources (2-17-518, MCA);
- consult with and advise the Department of Administration concerning the assignment of space in the Capitol (2-17-805, MCA);
- serve as a long-range building committee to recommend to the Legislature and the Department of Administration construction and remodeling priorities for the Capitol (2-17-805, MCA);
- serve as the budget approving authority with respect to Legislative Services Division programs (17-7-102, MCA);
- provide concurrence with the Environmental Quality Council's selection of the Legislative Environmental Analyst (75-1-323, MCA); and
- serve as the appropriate legislative committee for consultation with the Board of Land Commissioners regarding disposal, sale, or exchange of certain state lands (77-2-302 and 77-2-351, MCA).

***What can the Legislative Council do for you as a member?***

- Help you develop insight and expertise in the operation and management of the legislative institution.
- Allow you to be involved in shaping the future of the Montana Legislature.

***What are your responsibilities as a Legislative Council member?***

Be engaged and participate. At times, the kinds of work the Legislative Council does may not seem as engaging as the policymaking work of the session or other interim committees, but it is work necessary for the well-being of the legislative institution. Engagement and thoughtful work

toward a stronger legislative institution can be difficult but very interesting and rewarding. As a member of the Legislative Council, you should:

- read reports, plans, proposals, and minutes provided to you;
- learn as much as you can about the organization of the Legislative Branch and the Legislative Services Division;
- develop and maintain good communications with members of the Legislative Audit and Finance Committees to maximize mutual understanding and cooperation within the Legislative Branch;
- be sure to ask questions regarding any Council duties you do not fully understand; and
- communicate frankly with the Chair and staff on matters such as preferred style and length of presentations, conduct of meetings, format of reports, and other topics pertinent to Legislative Council business.

***What does the Legislative Council do during a typical biennium?***

Between legislative sessions, the Legislative Council meets about six to eight times. In addition, the Council may meet during a legislative session. The Council also has established a tradition of holding a planning session early in the interim. This session is designed to allow members to think together about the legislative process and to establish an agenda for the Council to address issues raised at the planning session.

The following is a master calendar outlining *minimum* Legislative Council responsibilities and approximate times that they need to be accomplished each biennium.

**April - June 2007**

- ☐ Elect presiding officers
- ☐ Review status of proposed biennial budget
- ☐ Review status of Legislative Council legislation
- ☐ Establish interim study program
- ☐ Appoint membership of interstate organizations
- ☐ Set prices for session publications and codes
- ☐ Establish operating budget for ensuing fiscal years

**July - December 2007\***

- ☐ Conduct strategic planning for 2007-08 interim
- ☐ Develop and implement strategic objectives
- ☐ Receive updates on Legislative Services Division projects and activities

**January - April 2008**

- ☐ Begin budget development for succeeding biennium
- ☐ Identify budget initiatives
- ☐ Identify proposed legislation for Legislative Council sponsorship

**May - June 2008**

- ☐ Review preliminary budget proposals for ensuing biennium
- ☐ Review Executive Branch agencies' proposed legislation for 2007 session

**July - October 2008\***

- ☐ Review and approve Legislative Branch Computer System Plan
- ☐ Approve budget submission prior to September 30
- ☐ Receive Code Commissioner Report

**November 2008**

- ☐ Select legislative interns and assign interns to legislators
- ☐ Set prices for session proceedings

**\*Note:** It is quite common for a Kumamoto legislative delegation to visit Montana in August or September and request a meeting with the Legislative Council -- and especially the Speaker and President. This often happens with little advance notice.

***What does the Legislative Council do during a typical meeting? How is the agenda developed?***

Some typical items that appear on Council agendas include:

- ☐ consideration of land transfer issues on referral from the Board of Land Commissioners;
- ☐ reports on work of Legislative Services Division staff members;
- ☐ reports and action items brought forward by Council subcommittees;
- ☐ review of planning issues related to the Capitol and allocation of space in the Capitol; and
- ☐ other issues that arise that require the consideration of the collective legislative leadership prior to organizing the next legislature.

The agenda is developed informally with items added as required and approved by the Chair. The Executive Director indicates the nature of each item on the agenda along with the decision or action needed by the Council.

***Who are the staff for the Legislative Council?***

The Executive Director of the Legislative Services Division is the primary staff for the Legislative Council. The office directors and financial services manager also provide active support for various council responsibilities.

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